

Sec. 13 Twp. 54 Rge. 39

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
200-067
MAR 08 2005

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

LIST ALL FOLIO #S: See attached Exhibit "A" Date Received _____

- 1. NAME OF APPLICANT:** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a Disclosure of Interest is required).

CAP Investments, LLC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 7200 NW 7 Street, Suite 200

City Miami State FL Zip 33126 Phone#: 305-265-7609

- 3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Same as above

Mailing Address

City _____ State _____ Zip _____ Phone # _____

- 4. CONTACT PERSON'S INFORMATION:**

4. CONTACT PERSON'S INFORMATION
Name: Javier L. Vazquez, Esq. Company: Law Offices of Javier L. Vazquez, P.A.

Mailing Address: 8061 NW 155th Street

City Miami Lakes State Florida Zip 33016

City: Miami Lakes
Phone #: 305-825-7080 Other: 305-525-2510 Fax#: 305-825-6523 E-mail: javivaz@bellsouth.net

- 5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See attached Exhibit "B"

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

See attached Exhibit "C"

7. SIZE OF PROPERTY (in acres): (+) (-) 3.4 acres (divide total sq. ft. by 43, 560 to obtain Acreage)

8. DATE property acquired ☒ leased ☐: 10/2004
(month & year)

9. LEASE term: N/A years

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

11. IS THERE AN OPTION to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☐ yes ☒ no (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: RU-5A

13. APPLICATION REQUESTS: (Check all that apply and describe nature of the request in space provided). (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories).

☒ District Boundary Changes (DBC) [Zone class requested]: Office Park District (OPD)

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Alternative Site Development: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

14. HAS A PUBLIC HEARING BEEN HELD ON THIS PROPERTY WITHIN THE LAST YEAR & A HALF? ☐ yes ☒ no

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. IS THIS HEARING A RESULT OF A VIOLATION NOTICE? ☐ yes ☒ no

If yes, give name to whom the violation notice was served: _____

and describe the violation: _____

16. DESCRIBE STRUCTURES ON THE PROPERTY? sfh's

17. IS THERE ANY EXISTING USE ON THE PROPERTY ☒ yes ☐ no. If yes, what use and when established?

Use: sfh's Year: _____

EXHIBIT "B"

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, of Block 16, of "SECOND ADDITION TO SOUTHERN ESTATES", according to the Plat thereof, as recorded in Plat Book 73, Page 15, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "C"

ADDRESS OF PROPERTY

**11960 BIRD DRIVE, MIAMI, FL
11970 BIRD DRIVE, MIAMI, FL
11980 BIRD DRIVE, MIAMI, FL
11990 BIRD DRIVE, MIAMI, FL
12000 BIRD DRIVE, MIAMI, FL
12020 BIRD DRIVE, MIAMI, FL
11961 S.W. 42 STREET, MIAMI, FL
11971 S.W. 42 STREET, MIAMI, FL
11981 S.W. 42 STREET, MIAMI, FL
11991 S.W. 42 STREET, MIAMI, FL
4020 S.W. 119 COURT, MIAMI, FL
4100 S.W. 119 COURT, MIAMI, FL
4110 S.W. 119 COURT, MIAMI, FL
4130 S.W. 119 COURT, MIAMI, FL**

EXHIBIT "A"

FOLIO NUMBERS

30-4913-003-1040
30-4913-003-1050
30-4913-003-1060
30-4913-003-1070
30-4913-003-1080
30-4913-003-1090
30-4913-003-1100
30-4913-003-1110
30-4913-003-1120
30-4913-003-1130
30-4913-003-1140
30-4913-003-1150
30-4913-003-1160
30-4913-003-1170

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: CAP Investments, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Yvette Almeida</u>	<u>100%</u>
<u>7200 NW 7 Street, Suite 200</u>	
<u>Miami, FL 33126</u>	

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where the principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
--	------------------------

_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

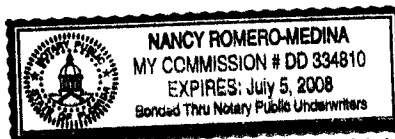
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Signature]* (Applicant)

Sworn to and subscribed before me this 3rd day of March, 2005. Affiant is personally known to me or has produced known to me as identification.

[Signature]
Notary Public
My commission expires: 7/5/08



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I) (We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised

OWNER OR TENANT AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this ____ day of _____, _____

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the ☐ President ☐ Vice President, and ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest _____



Authorized Signature

Office Held

Sworn to and subscribed to before me
this 3rd day of March, 2005.

Notary Public: Nancy Romero-Medina
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the partners of the hereinafter named partnership, and as such, have been authorized to file this application for public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of _____, _____

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

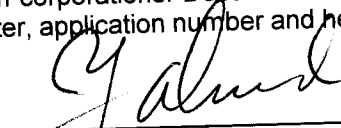
Sworn to and subscribed to before me
this ____ day of _____, _____

Notary Public: _____
Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

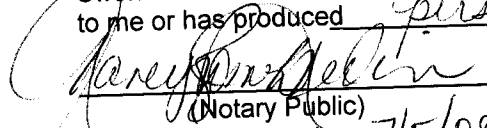
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique the zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), and/or the proffering of agreements to be recorded. I am also aware that I must comply with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075.



(Applicant's Signature)
Yvette Almeida

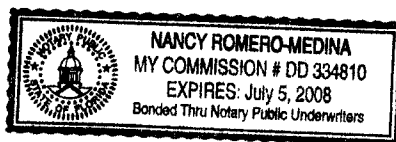
(Print Name)

Sworn and subscribed before me this 3rd day of March, 2005. Affiant is personally known to me or has produced personally known as identification.



(Notary Public)

My commission expires 7/5/08



**OWNERSHIP AFFIDAVIT
FOR
LIMITED LIABILITY COMPANY**

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Yvette Almeida, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Managing Member of CAP Investments, L.L.C., fee owner of the subject property with the following address:

See attached Exhibit "C"

2. The Limited Liability Company owns the property which is the subject of the proposed hearing.

3. The Subject property is legally described as: See attached Exhibit "B"

4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Jaime E. Pozo

Print Name

Signature

Beela Rolo

Print Name

Affiant's signature

Yvette Almeida

Print Name

Sworn to and subscribed before me on the 3rd day of March, 2005.
Affiant is personally known to me or has produced personally known
_____ as identification.

Notary
(Stamp/Seal)

Commission Expires:

